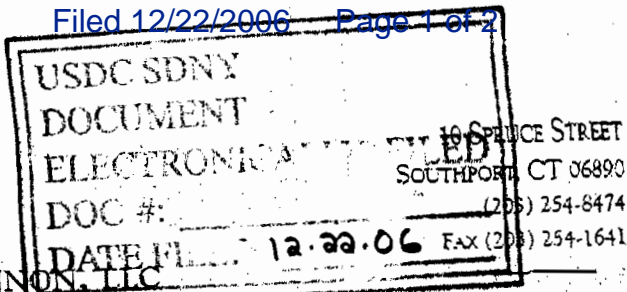


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**TISDALE & LENNON, LLC**  
ATTORNEYS AT LAW



December 18, 2006

**By Facsimile (212) 805-0426**

Hon. Laura Taylor Swain  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 755  
New York, NY 10007

### MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

**Re: Seamount International Association Ltd. v. Kuehne and Nagel Ltda.**  
Docket No. 06 Civ. 5648 (LTS)  
Our ref: 1219

Dear Judge Swain:

We represent the Petitioner, Seamount International Association Ltd., in the above captioned action. In light of Respondent counsel's admissions, we write to request that the Court issue a Supplemental Ex-Parte Order of Attachment adding the trade names "Kuehne and Nagel Servicios Logísticos Ltda." and "K&N Servicios Logísticos Ltda." to the attachment and/or memo-endorse this letter allowing the continued restraint of funds moving in the name of "K&N Servicios Logísticos" recently stopped by ABN-AMRO bank.

This morning, we were contacted by garnishee bank, ABN-AMRO, which informed us that pursuant to the Ex-Parte Order of Attachment issued in the instant matter that it had temporarily restrained funds in the amount of \$737.07 sent from the entity "K&N Servicios Logísticos" of Brazil. However, ABN-AMRO has questioned its ability to keep the funds under restraint as "K&N Servicios Logísticos" is not specifically named in the Writ.

In its latest submission, Respondent's counsel admits that Respondent Kuehne & Nagel Ltda. is "now known as Kuehne & Nagel Servicios Logísticos Ltda." See *Respondent's Supplemental Memorandum of Law, 1*. Furthermore, Respondent's counsel states that "KN Servicios Logísticos was involved in the transaction at issue here." See *Respondent's Supplemental Memorandum of Law, fn. 1*.

THOMAS L. TISDALE  
ADMITTED IN NY & CT

PATRICK F. LENNON  
ADMITTED IN NY & CT

CHARLES E. MURPHY  
ADMITTED IN NY & CT

KEVIN J. LENNON  
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ADMITTED IN CT

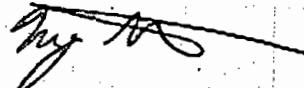
NANCY R. PETERSON  
ADMITTED IN NY & CT

Thus, in light of Respondent's admissions, we respectfully request that the Court memo-endorse this letter authorizing the continued restraint of Respondent's funds moving in the name of "K&N Servicios Logísticos" at ABN-AMRO bank and/or sign the proposed Supplemental Ex-Parte Order of Attachment attached to this letter. Also, please find attached to this letter the supporting affidavit attesting to the fact that the Respondent Kuehne and Nagel Ltda. (Brazil) and its various aliases cannot be found within the district.

Respondent's counsel has admitted that Kuehne and Nagel Servicios Logísticos Ltda. and Kuehne and Nagel, Ltda. (Brazil) are one in the same. Thus, Petitioner would suffer great prejudice if ABN-AMRO were able to release the funds referenced above which were clearly sent by the Respondent.

In light of ABN-AMRO's inquiries and the short time frame in which to act, we request that this matter be brought the Court's immediate attention. We are available to discuss the matters raised herein at your Honor's convenience. Thank for your attention to the foregoing.

Respectfully yours,




Nancy R. Peterson

cc: By Facsimile (212) 732-3232  
Judith A. Lockhart  
Carter, Ledyard & Milburn LLP

The application for a supplemental order of attachment and authorization of continued restraint of the funds is denied, as the Servicios Logísticos entities are not named in the current verified pleadings. This denial is without prejudice to any proper amendment of the pleadings or further application consistent with such an amendment.

SO ORDERED.

<sup>filed</sup>  
Copies ~~mailed~~ 12/22/06  
Chambers of Judge Swain



12/22/2006  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE